

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DECHERI HAHER,

Plaintiff,

v.

SACRAMENTO HOUSING AND
REDEVELOPMENT AGENCY, ET AL.,

Defendants.

No. 2:22-cv-01370-KJM-CKD (PS)

FINDINGS AND RECOMMENDATIONS TO
DISMISS WITHOUT PREJUDICE FOR
FAILURE TO PROSECUTE

Plaintiff filed this action in the Central District of California on July 22, 2022. (ECF No. 1.) On August 2, 2022, the matter was transferred to this court. (ECF No. 6.) Plaintiff filed a First Amended Complaint (FAC) and request for temporary restraining order on November 16, 2022. (ECF No. 7.) Plaintiff also requested leave to proceed in forma pauperis. (See ECF Nos. 3, 9.)

On January 10, 2023, the court granted plaintiff's IFP request and dismissed the complaint with leave to amend for failure to state a discernable claim for relief under Federal Rule of Civil Procedure 8(a). (ECF No. 11.) The court denied as moot plaintiff's request for a temporary restraining order. (Id.) Plaintiff was given twenty-eight (28) days to amend the complaint and was warned that failure to do so by the required deadline could result in sanctions, including "dismissal of the action with prejudice pursuant to Federal Rule of Civil Procedure 41(b)." (Id. at 5.) The clerk's office attempted to serve the order on plaintiff at the address provided by mail,

1 but on January 17, 2023, U.S. Postal Service returned the order as undeliverable.

2 Under Local Rule 183(b), a party appearing pro se must keep the court advised as to his or
3 her current address. If mail directed to a pro se plaintiff by the clerk is returned by the U.S. Postal
4 Service, and the plaintiff fails to advise the court of a current address within sixty-three (63) days,
5 the court may dismiss the action without prejudice for failure to prosecute. L.R. 183(b). Here,
6 plaintiff was to notify the court of any change of address by March 14, 2023, i.e., within sixty-
7 three (63) days of the court's January 10, 2023 order. Because that date has passed and plaintiff
8 has not notified the court of a current address, the court recommends that plaintiff's claims be
9 dismissed without prejudiced.

10 Accordingly, IT IS HEREBY RECOMMENDED that:

- 11 1. Plaintiff's claims be DISMISSED without prejudice under Local Rule 183(b); and
- 12 2. The Clerk of Court be directed to close this case.

13 These findings and recommendations are submitted to the United States District Judge
14 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen (14)
15 days after being served with these findings and recommendations, any party may file written
16 objections with the court and serve a copy on all parties. Such a document should be captioned
17 "Objections to Magistrate Judge's Findings and Recommendations." Any reply to the objections
18 shall be served on all parties and filed with the court within fourteen (14) days after service of the
19 objections. The parties are advised that failure to file objections within the specified time may
20 waive the right to appeal the District Court's order. Turner v. Duncan, 158 F.3d 449, 455 (9th
21 Cir. 1998); Martinez v. Ylst, 951 F.2d 1153, 1156-57 (9th Cir. 1991).

22 Dated: April 18, 2023

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24 CAROLYN K. DELANEY
25 UNITED STATES MAGISTRATE JUDGE
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